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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

GURDEV (DAVID) SINGH
Hilltop Spine Center
2970 Hilltop Mall Road, Suite 105
Richmond, CA 94806

Physical Therapist License No. PT 12835

Respondent.

Case No. 1D 1998 62080
OAH No. N2002 070467

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical
Therapy Board of California. He brought this action solely in his official capacity and is
represented in this matter by Bill Lockyer, Attorney General of the State of California, by Lynne
K. Dombrowski, Deputy Attorney General.

2. Respondent Gurdev (David) Singh (Respondent) is represented in this
proceeding by attorney Brock D. Phillips, whose address is Pacific West Law Group, LLP, 655
Redwood Highway, Suite 250, Mill Valley, CA 94941.

1 3. On or about April 26, 1985, the Physical Therapy Board of California
2 issued Physical Therapist License No. PT 12835 to Gurdev (David) Singh (Respondent). The
3 License was in full force and effect at all times relevant to the charges brought in Accusation No.
4 1D 1998 62080 and will expire on September 30, 2002, unless renewed.

5 JURISDICTION

6 4. Accusation No. 1D 1998 62080 was filed before the Physical Therapy
7 Board (Board) , Department of Consumer Affairs, and is currently pending against Respondent.
8 The Accusation and all other statutorily required documents were properly served on Respondent
9 on March 21, 2002. Respondent timely filed his Notice of Defense contesting the Accusation. A
10 copy of Accusation No. 1D 1998 62080 is attached as Exhibit A and incorporated herein by
11 reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, fully discussed with counsel, and
14 understands the charges and allegations in Accusation No. 1D 1998 62080. Respondent has also
15 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
16 Settlement and Disciplinary Order.

17 6. Respondent is fully aware of his legal rights in this matter, including the
18 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
19 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
20 the right to present evidence and to testify on his own behalf; the right to the issuance of
21 subpoenas to compel the attendance of witnesses and the production of documents; the right to
22 reconsideration and court review of an adverse decision; and all other rights accorded by the
23 California Administrative Procedure Act and other applicable laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
25 each and every right set forth above.

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation No. 1D 1998 62080, if proven at a hearing, constitute cause for imposing discipline
4 upon his Physical Therapist License.

5 9. Respondent agrees that his Physical Therapist License is subject to
6 discipline and he agrees to be bound by the Physical Therapy Board's imposition of discipline as
7 set forth in the Disciplinary Order below.

8 CONTINGENCY

9 10. This stipulation shall be subject to approval by the Physical Therapy
10 Board. Respondent understands and agrees that counsel for Complainant and the staff of the
11 Physical Therapy Board of California may communicate directly with the Board regarding this
12 stipulation and settlement, without notice to or participation by Respondent or his counsel. By
13 signing the stipulation, Respondent understands and agrees that he may not withdraw his
14 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon
15 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement
16 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
17 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
18 further action by having considered this matter.

19 11. The parties understand and agree that facsimile copies of this Stipulated
20 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
21 force and effect as the originals.

22 12. In consideration of the foregoing admissions and stipulations, the parties
23 agree that the Board may, without further notice or formal proceeding, issue and enter the
24 following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physical Therapist License No. PT 12835 issued to Respondent Gurdev (David) Singh is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. LICENSE SUSPENSION As part of probation, respondent's license shall be suspended for one year, beginning the effective date of this decision.

2. RESTRICTION OF PRACTICE - SOLO PRACTICE The respondent shall be prohibited from engaging in the solo practice of physical therapy.

3. RESTRICTION OF PRACTICE - PROHIBITION OF SELF EMPLOYMENT OR OWNERSHIP Respondent may not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Respondent may not be an officer of any corporation that offers or provides physical therapy services. Respondent may not employ physical therapists, physical therapist assistants or physical therapy aides.

4. RESTRICTION OF PRACTICE - PROHIBITION OF DIRECT INSURANCE BILLING Respondent shall not have final approval over any billings submitted to any third-party payors in any employment as a physical therapist.

5. RESTRICTION OF PRACTICE - NO EMPLOYMENT OR SUPERVISION OF PHYSICAL THERAPY STUDENT INTERNS Respondent shall not supervise any physical therapy student interns during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

6. RESTRICTION OF PRACTICE - NO EMPLOYMENT OR SUPERVISION OF PHYSICAL THERAPIST LICENSE APPLICANTS, PHYSICAL THERAPIST ASSISTANT APPLICANTS, OR PHYSICAL THERAPY AIDES

Respondent shall not supervise any physical therapist license applicants, physical therapist assistant applicants, or physical therapy aides during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

1 7. EDUCATION COURSE Within 30 days of the effective date of this
2 decision, respondent shall submit to the Board, or its designee, for prior approval a physical
3 therapy remedial educational program, including any courses which may be designated by the
4 Board, which shall not be less than 20 hours and which shall include a course on professional
5 ethics. Following the completion of each course, the Board or its designee may administer an
6 examination to test respondent's competency or otherwise demonstrate competency of the
7 subject.

8 8. PROBATION MONITORING COSTS All costs incurred by the Board
9 for probation monitoring during the entire period of probation shall be reimbursed by respondent.
10 Respondent will be billed at least quarterly. Failure to make the ordered reimbursement within
11 60 days of the billing shall constitute a violation of the probation order. In addition to the filing
12 of an Accusation or the issuance of an administrative citation, the filing of criminal charges shall
13 be sought when appropriate.

14 9. COST RECOVERY The respondent is ordered to reimburse the Board
15 the actual and reasonable investigative and prosecutorial costs incurred by the Board in the
16 amount of \$10,000. However, if respondent makes monthly payments of \$100, starting one-year
17 after the effective date of the decision for the remaining four-years of probation, the Board will
18 waive its claim to the additional costs and deem the reimbursement of \$4,800 in costs to
19 constitute payment in full. Respondent's first reimbursement payment shall be made one year
20 from the effective date of the decision. Failure to make the ordered reimbursement, or any
21 agreed upon payment, may constitute a violation of the probation order.

22 10. OBEY ALL LAWS Respondent shall obey all federal, state and local
23 laws, and statutes and regulations governing the practice of physical therapy in California.

24 11. COMPLIANCE WITH ORDERS OF A COURT The respondent shall be
25 in compliance with any valid order of a court. Being found in contempt of any court may
26 constitute a violation of probation.

1 12. QUARTERLY REPORTS Respondent shall submit quarterly
2 declarations under penalty of perjury on forms provided by the Board, stating whether there has
3 been compliance with all the conditions of probation.

4 13. PROBATION MONITORING PROGRAM COMPLIANCE Respondent
5 shall comply with the Board's probation monitoring program.

6 14. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent
7 shall appear in person for interviews with the Board, or its designee, upon request at various
8 intervals and with reasonable notice.

9 15. NOTIFICATION OF PROBATIONARY STATUS TO EMPLOYERS
10 The respondent shall notify all present or future employers of the reason for and the terms and
11 conditions of the probation by providing a copy of the Accusation and the complete Decision and
12 Order to the employer. The respondent shall obtain written confirmation from the employer that
13 the documents were received. If the respondent changes employment or obtains additional
14 employment, the respondent shall provide the above notification to the employer and submit
15 written employer confirmation to the Board within 10 days. The notification(s) shall include the
16 name, address and phone number of the employer, and, if different, the name, address and phone
17 number of the work location.

18 16. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The
19 respondent shall notify the Board, in writing, of any and all changes of name or address within
20 ten (10) days.

21 17. RESTRICTION OF PRACTICE - TEMPORARY SERVICES
22 AGENCIES Respondent may only practice or perform physical therapy in a supervised
23 structured environment. The respondent shall not work for a temporary services agency or
24 registry.

25 18. PROHIBITED USE OF ALIASES Respondent may not use aliases and
26 shall be prohibited from using any name which is not his legally-recognized name or based upon
27 a legal change of name.

1 19. WORK OF LESS THAN 20 HOURS PER WEEK If the respondent
2 works less than 192 hours in a period of three months, those months shall not be counted toward
3 satisfaction of the probationary period. The respondent shall notify the Board if he works less
4 than 192 hours in a three-month period.

5 20. TOLLING OF PROBATION The period of probation shall run only
6 during the time respondent is practicing within the jurisdiction of California. If, during
7 probation, respondent does not practice within the jurisdiction of California, respondent is
8 required to immediately notify the probation monitor in writing of the date that respondent's
9 practice is out of state, and the date of return, if any. Practice by the respondent in California
10 prior to notification to the Board of the respondent's return will not be credited toward
11 completion of probation. Any order for payment of cost recovery shall remain in effect whether
12 or not probation is tolled.

13 21. VIOLATION OF PROBATION If respondent violates probation in any
14 respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke
15 probation and carry out the disciplinary order that was stayed. If an accusation or petition to
16 revoke probation is filed against respondent during probation, the Board shall have continuing
17 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
18 is final.

19 22. CESSATION OF PRACTICE DUE TO RETIREMENT, HEALTH OR
20 OTHER REASONS Following the effective date of this probation, if respondent ceases
21 practicing physical therapy due to retirement, health or other reasons, respondent may request to
22 surrender his license to the Board. The Board reserves the right to evaluate the respondent's
23 request and to exercise its discretion whether to grant the request or to take any other action
24 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the
25 tendered license, the terms and conditions of probation shall be tolled until such time as the
26 license is no longer renewable, the respondent makes application for the renewal of the tendered
27 license or makes application for a new license.

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of the Department of Consumer Affairs.

DATED: October 17, 2002 . BILL LOCKYER, Attorney General
of the State of California

Original Signed By: _____
LYNNE K. DOMBROWSKI
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03575160-SF2001AD0663

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DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 26, 2002.

It is so ORDERED November 26, 2002.

Original Signed By: _____
FOR THE PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
Donald Chu, PhD, PT, President

Exhibit A

Accusation No. 1D 1998 62080